

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DISTRICT

In re: **Shannon D Van Meter** : Case No. **10-53794**  
**Brenda M Van Meter** : Chapter 13 Judge **Preston**  
: 341 Date: **5/11/2010**  
Debtor(s) :  
:

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION**

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307(c)(5). This objection supersedes any prior objection filed in this case by the Trustee.

Above median income \_\_\_\_\_ Below median income   X  

  X   **11 U.S.C. §1325(a)(1)**—Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:

\_\_\_\_\_ Debtor(s) failed to appear at the scheduled meeting of creditors.

\_\_\_\_\_ Debtor(s) have failed to file a plan.

\_\_\_\_\_ Debtor(s)' debts exceed the limits for non-contingent, liquidated, unsecured debt and/or for non-contingent, liquidated, secured debt.

\_\_\_\_\_ Plan does not provide for full payment of claims entitled to priority under section 507. (NB: If 5 year plan, please do not check.)

\_\_\_\_\_ Trustee is unable to accurately determine length.

\_\_\_\_\_ Plan takes over 60 months to complete.

\_\_\_\_\_ Debtor has failed to file a complete list of creditors, statement of financial affairs, schedules including current income and expenses, or other filing requirements, pursuant to 11 U.S.C. § 521.

\_\_\_ Other:

\_\_\_ **11 U.S.C. §1325(a)(3)**—Plan has not been proposed in good faith.

\_\_\_ **11 U.S.C. §1325(a)(4)**—Plan does not meet the best interest test.

\_\_\_ Trustee is unable to accurately determine best interest as Debtor(s) have failed to provide an acceptable appraisal, pursuant to LBR 3015-3(e)(3).

\_\_\_ Trustee is unable to accurately determine best interest.

\_\_\_ **11 U.S.C. §1325(a)(5)**—Plan does not provide for lien retention rights for secured creditors and/or interest rate for rejecting secured creditors.

\_\_\_ Debtor(s) do not have liability insurance on all vehicles that are driven or as required by any relevant security agreement.

\_\_\_ Debtor(s) do not have insurance on their real estate.

\_\_\_ Plan does not provide regular periodic payments in equal monthly amounts for secured creditors, pursuant to 11 U.S.C. §1325(a)(5)(B)(iii)(1).

\_\_\_ Other: [Deficiencies such as time and details for sale of house and inappropriate treatment of mortgage.]

  X   **11 U.S.C. §1325(a)(6)**—Plan is not feasible based on income, living expenses, and plan payments.

  X   Other: [Deficiencies in Schedules I and J (tax returns, job/income change, and/or income projections.)] **A detailed statement of debtors' business income is not attached to Schedule I. Per 341 testimony, \$200 budget item on Schedule J for storage units is actually a business expense that should be included on business expense statement. Budget surplus; Monthly net income as reflected on Schedule J is higher than the plan payment amount. Per amended**

**plan filed, debtors are now surrendering their real property.  
Schedule J does not provide for anticipated rental expenses.**

\_\_\_\_\_ **11 U.S.C. §1325(a)(7)**—Petition has not been proposed in good faith.

\_\_\_\_\_ **11 U.S.C. §1325(a)(8)**—Debtor(s) have failed to pay all domestic support obligations that became due after the filing of the petition.

\_\_\_\_\_ **11 U.S.C. §1325(a)(9)**—Debtor(s) have failed to file all applicable federal, state, and local tax returns for 4 years prior to filing.

\_\_\_\_\_ Plan does not provide for full payment of debt on motor vehicle purchased within 910 days of filing or debt secured by other personal property purchased within 1 year of filing.

  X   **11 U.S.C. §1325(b)**—Plan will complete in less than 36 months.  
**Plan is at 30 months.**

\_\_\_\_\_ **11 U.S.C. §1325(b)**—Plan does not meet disposable income test.

\_\_\_\_\_ Debtor has failed to commit all disposable income to plan for the applicable commitment period.

\_\_\_\_\_ Debtor(s)' expenses exceed reasonable, necessary expenses

  X   **11 U.S.C. Section 1326(a)(1)**—Debtor(s) have failed to tender the following pre-confirmation payments not later than 30 days from the filing of the plan or petition (whichever is earlier): **Need balance of 3<sup>rd</sup> and full 4<sup>th</sup> payments for a total of \$4,395 (NOTE: 5<sup>th</sup> pmt. is due 8/31/10).**

\_\_\_\_\_ **11 U.S.C. Section 1326(a)(1)(C)** \_\_\_\_\_ Plan does not provide adequate protection payments.

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for **9/2/2010** unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Further, Trustee notes that:

\_\_\_\_\_ Debtor(s) have failed to attend Debtor Orientation.

\_\_\_\_\_ Debtor(s)' counsel to add language to Plan to advise Trustee/Court

\_\_\_D\_\_\_ Debtor(s)' counsel to upload an Order to Implement Wage Withholding.

\_\_\_\_\_ Debtor(s)' counsel failed to file and serve a statement of compensation paid, or such statement is not signed pursuant to Federal Rules of Bankruptcy Procedure 9011.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c)(5).

**TERMS OF THE PLAN: Below median income\_X\_  
Above median income\_\_\_\_\_**

**Dividend: 8% BI: 0% Plan payments: \$1500/2 mo's; \$2745/4 mo's; \$2000/6 mo's; \$2745/6 mo's; \$2000/6 mo's; \$2745/6 mo's; \$2000/6 mo's; \$2745/6 mo's; \$2000/6 mo's; \$2745/6 mo's; \$2000/REM  
Length: 30 months**

Dated: 8/23/2010

Respectfully submitted,

**/s/ Frank M. Pees**

Frank M. Pees

Chapter 13 Trustee

130 E. Wilson Bridge Road, #200

Worthington, OH 43085

(614) 436-6700

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: 8/23/2010

/s/**Frank M. Pees**

Frank M. Pees, Standing Chapter 13 Trustee  
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